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March 31, 2016

The Honorable Lorena Gonzalez
California State Assembly
State Capitol Room 2114
Sacramento, CA 95814

RE: AB 2757 (Gonzalez) - The Phase-In Overtime for Agricultural Workers Act of 2016- SUPPORT

Dear Assemblywoman Gonzalez:

Human Rights Watch writes in strong support of AB 2757, the “Phase-In Overtime for Agricultural Workers Act of 2016”, which will make farmworkers eligible for overtime pay after an 8-hour day or 40-hour workweek.

Human Rights Watch is an independent organization dedicated to promoting and protecting human rights around the globe. We have documented the prevalence of workplace abuses among farmworkers in the US, in *Cultivating Fear*, our 2012 report on the vulnerability of farmworker women to workplace sexual violence, and in several reports on the abuses experienced by child farmworkers: *Teens of the Tobacco Fields* (2015), *Tobacco’s Hidden Children* (2014), and *Fields of Peril* (2010).¹ In these reports, we analyzed the impact of US federal and state laws that deny farmworkers the protections given to other workers in nearly every other industry. In particular, *Cultivating Fear* included extensive interviews with farmworkers in California, who reported how their fears of retaliation, including job loss, made them more vulnerable to sexual violence and other abuses. Once victimized, their fear of

¹ Human Rights Watch, *Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment*, May 2012, <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>; *Teens of the Tobacco Fields: Child Labor in United States Tobacco Farming*, December 2015, <https://www.hrw.org/report/2015/12/09/teens-tobacco-fields/child-labor-united-states-tobacco-farming>; *Tobacco’s Hidden Children: Hazardous Child Labor in United States Tobacco Farming*, May 2014, <https://www.hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming>; *Fields of Peril: Child Labor in US Agriculture*, May 2010, <https://www.hrw.org/report/2010/05/05/fields-peril/child-labor-us-agriculture>.

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retaliation often prevented them from reporting abuse, thus making California workplaces less safe for all workers.

By passing this bill, California would rectify a decades-old injustice towards the tens of thousands of farmworkers in this state. AB 2757, “The Phase-In Overtime for Agricultural Workers Act of 2016” is a commonsense solution that will make farmworkers eligible for overtime pay like every other worker in California.

The bill would eliminate differential treatment of farmworkers with regard to overtime. International law is clear that workplace protections must apply to all workers without discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the US ratified in 1994, prohibits governments from discriminating in policy or practice on ethnic grounds. The Committee on the Elimination of Racial Discrimination, the international expert body that monitors governmental compliance with the ICERD, has interpreted the convention to prohibit laws and policies that have “an unjustifiable disparate impact” on racial and ethnic minorities. In the US, the burden of weaker labor law protections for agricultural workers falls disproportionately on Latino citizens and immigrants.

We respectfully request the Legislature’s support for AB 2757, the “Phase-In Overtime for Agricultural Workers Act of 2016”. Should you have any questions regarding this letter, please contact Grace Meng, Senior Researcher in the US Program at (310) 477-5540 and/or at grace.meng@hrw.org. Thank you for your consideration.

Respectfully,



Alison Parker and Maria McFarland, Co-Directors
US Program
Human Rights Watch